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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement*/ submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 March 2000]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

Adverse Effects of the illicit movement and dumping of toxic and dangerous products and waste on the enjoyment of human rights

1. Human Rights Advocates (HRA), in conjunction with Natural Heritage Institute (NHI), submit this written statement to the Commission on Human Rights. First, HRA commends the Special Rapporteur on her work in the past year. HRA also recognizes the Special Rapporteur's support for creating a process to examine complaints involving environmental degradation and its effects on human rights. HRA also notes with approval that the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights requests that the mandate of the Special Rapporteur be broadened to that of human rights and the environment. The following are case studies in three areas that warrant an expansion of the current mandate:

2. Shipbreaking: Shipbreaking is a valuable recycling industry that rids the oceans of aging ships, reduces excess capacity in market, and creates labor opportunities. However, it is also a major contributor to human rights violations.

3. The Basel Ban, adopted in 1995, makes the export of hazardous wastes from OCED to non-OCED countries illegal. Although the export of toxins aboard these ships are prohibited, the actual ships themselves are not.[1] Exportation of toxic ships to developing countries allows multinational corporations and countries to avoid the stringent worker and environmental safety standards enforced in developped countries.

4. Shipbreaking relies primarily on cheap manual labor found in countries such as India (scraps 70%), Pakistan, Bangladesh, China, Vietnam and the Philippines, where environmental standards are virtually nonexistent. These workers' human rights to life and health are being violated on a daily basis because they are unskilled, uninformed, ill equipped, and unsupervised. For example in Alang, India, site of the world's largest shipbreaking yard, there are no unions, limited medical facilities, and a single fire engine for all emergencies.[2] Wearing no protective gear,[3] workers are exposed to an average of a few hundred tons of toxins[4] per ship dismantled. The air they breathe is polluted by carbon monoxide and toxic hydrocarbons produced by the open fire burning of leftover oil.[5] These substandard working conditions explain the prediction that one in every four laborers will get cancer.[6] Workers also fall victim to injury and death resulting from explosions[7] as well as paralysis, nervous system and respiratory ailments.[8] In addition, laborers working sixteen hour days for 60-100 rupees ($1.50-$2.50), cannot improve their conditions because they are unregistered, unorganized and without the protection of labor laws.[9]

5. An international enforcement mechanism must be established to ensure compliance with international agreements. Ships are continually exported from OCED to non-OCED countries without their prior consent regardless of the Basel Ban. For example, India has only authorized seven importers yet one hundred fifty import regularly. Domestically, countries are unsuccessful in enforcing laws because ports are uninformed of laws and there are no provisions set up to return illegal consignments.[10]

6. Long term goals for addressing these problems should include: (1) environmentally safe and easily dismantled ships; (2) phasing out the use of highly toxic material; (4) required inventories of toxins aboard exports; (5) modernized facilities and technical supervision (6) financing industrial equipment and protective clothing; (7) government subsidies to cooperating companies; (8) and penal measures for violation of laws. With approximately two thousand cargo ships waiting to be scrapped in the next five years,[11] an international campaign to eliminate loopholes and ensure the right to life and health of these workers is urgent and necessary.

8. Effects of Pesticides on Human Rights: Thousands of people are killed or seriously poisoned by toxic pesticides every year.[12] In New Mexico, United States, workers labor under terrible conditions for minimum wage while constantly exposed to pesticides known to cause birth defects, cancer, and neurological defects.[13] During spraying farmers are exposed to contamination by absorption through skin of residues on clothing. In China, a study of 27 provinces in 1995 showed that of the 48,377 incidents of poisoning and 3,204 fatalities, more than 7,500 of these were due to normal agricultural use of highly toxic pesticides.[14]

9. POPs (Persistent Organic Pollutants), of which pesticides is the largest category, are carbon based compounds that become widely distributed through natural processes (air, soil, and water)[15] and via living organisms (especially fish, predatory birds, and humans) through absorption in the food chain and genetic transfer.[16] Low doses of POPS cause cancer, damage to the central nervous and peripheral systems, immune and reproductive disorders, as well as development[17], and learning disorders.

10. Developing countries still market pesticides that are banned or severely restricted in developed countries and continue to use cheaper highly toxic organophophorous pesticide formulations. Acute poisoning is common because pesticides are not handled safely and protective clothing is too expensive or cannot be used in these climates.[18]

11. The Special Rapporteur's mandate needs to be expanded to include consideration of the effects on human rights of the use and export of pesticides that are legal but nevertheless highly toxic. Developing nations need technological and financial assistance to employ alternatives to highly toxic pesticide use and cleanup accumulated stockpiles. Provisions for the better distribution of information through safety labels on exports and the development of procedures to monitor and control cross border trade must be enforced in order to protect the right to life and health of these farm workers.

12. Oil Pollution: Oil pollution's devastating effects on the environment directly violate the right to life, work, and health because the productivity of land is ruined leaving thousands of people in the surrounding areas at risk of health problems and without a means to subsist in a dignified and self-sufficient manner.

13. These problems persist in Tabasco, Mexico, where the human rights to work and health are violated by the nationally-owned oil company PEMEX which is responsible for the destruction of 60% of the region's crops and vegetation. Between 1984-1994, several hundred thousand damage claims were filed by farmers, fisherman, and cattle ranchers whose livelihood were destroyed by oil spills as a result of broken pipelines, malfunctioning pumps, and acid rain caused by the sulfuric acid released into the air by petroleum processing.[19] Oil pollution makes farming, fishing, and cattle ranching impossible because it kills vegetation and pollutes surrounding waters poisoning marine life and disrupting the ecosystem. With their own means of subsistence destroyed, many ex-farmers, children, and elders in the La Venta Wetlands, Tabasco have resorted to working for PEMEX cleaning up oil spills which further exposes them to hazardous health conditions. These people have been termed "chaperos" (tar people) because they are covered in oil from working without protective gear and bathing in diesel to clean themselves.[20] Regardless of the resulting loss of livelihood and sanitary resources, most of the several hundred damage claims filed against PEMEX have been inadequately compensated or left unaddressed.[21]

14. Similar violations exist in other countries such as Azerbaijan and Columbia. In Colombia, the human rights to environment and life are violated when protestors of oil drilling are killed by military and police.

14. Those examples highlight the need for some procedure to assess the impact of legal toxins and environmental problems on human rights. HRA recommends that the Commission ask the Special Rapporteur to consider what would be the terms of an expanded mandate that would include problems such as those involving legal toxins and environmental degradation and its direct impact on human rights.

Notes

1. *Protest in India Against Toxic-Laden Ships* (Jan. 21, 1998) <http://www.ban.org/ban_news/indian_protest.html>

2. *Greenpeace: Shipbreaking Poses Hazard to Workers* (Feb. 18, 1999) <http://www.ban.org/ban_news/greenpeace_shipbreaking.html>

3. Ranjit Dev Raj, *Shipbreaking Indefensible, says Greenpeace*, INTER PRESS SERVICE, Feb. 19, 1999.

4. Matt Dailey, *Ship Scrapping Knocked but Alternatives Elusive*, REUTERS, June 23, 1999.

5. *Workers at Shipyards Face Serious Health Hazards* (Feb. 18, 1999) <http://www.ban.org/ban_news/workers_at.html>

6. *Shipbreaking is Dangerously Polluting*, GREENPEACE PRESS RELEASE, Feb. 18, 1999.

7. John Zubrzycki, *Recycling the World's Once-Mighty Ships*, CHRISTIAN SCIENCE MONITOR, June 26, 1998.

8. *Indians at Shipbreaking Yards Face Health Hazards*, AGENCE FRANCE PRESSE, Feb. 18, 1999.

9. *Greenpeace: Shipbreaking Poses Hazard to Workers, supra* note 2.

10. Ravi Agarwal, *India: The World's Final Dumpyard*, 1 BASEL ACTION NEWS 1, (Jan. 1998) <http://www.ba.org/ban_news/india_as_dumpyard.html>

11. *Norway Propose Global Rules on Ship Scrapping*, ENDS DAILY, Feb. 25, 1999.

12. Robert Bisset, *Hazardous Chemicals a Top Priority for Global Environment*, UNEP NEWS RELEASE, Mar. 27, 1998.

13. *The Use of Pesticides in New Mexico*, http://www.farmworkers.org/pestieng.html.

14. Ake Bjorke, *Convention on Trade in Dangerous Chemicals and Pesticides*, UNEP NEWS RELEASE, Mar. 9, 1998.

15. *Press Conference on POPs* (Jan. 20, 1998) <http://srchl.un.org:80/plweb-cgi/fastweb...ATE&TemplateName=predoc.tmpl&setCooki=1.

16. Robert Bisset, *supra* note 12.

17. Ake Bjorke, *Treaty Talks Start on POPS, UNEP NEWS RELEASE, June 22, 1998.*

18. Ake Bjorke, *supra* note 14.

19. Wendy Call, *Mexican Oil Mess,* DOLLARS AND SENSE, Jan. 2000, at 19.

20. *La Venta, the Cradle of the Olmec Culture Converted by PEMEX into Petroleum Coated Wetlands*, (April 1, 1997) <http://greenpeace.org/-comms/mexico/rwprapr01.html>

21. Wendy Call, *supra* note 19.